

MODEL PENITENTIARY SYSTEM PROPOSED FOR DISTRICT OF COLUMBIA

MEN WHO FRAMED THE REPORT.

(Continued from First Page.)

outrageous conditions in the workhouse and jail. The overcrowding is great in the workhouse and greater still in the jail, where, of the 600 inmates, 500 are serving sentences in absolute idleness, with no employment and no exercise, in a single cell not large enough for one. They belong, however, to a class of prisoners that specially need and dread to be put to work.

It is no longer a question whether something should be done, but only a question as to what shall be done for the whole impossible that the existing situation should continue. The present antiquated and unsatisfactory plan ought not to be considered for a moment.

The report takes up the criminal problem in general, lays down the true principles concerning the treatment of criminals, deals with conditions here in Washington which have a manifest tendency to produce crime, and urges their removal, considering especially the dark and narrow alleys and unwholesome dwellings where most of the criminal population pass their days.

It makes six specific recommendations as follows:

1. A jail to be used only as a house of detention and never as a place where prisoners should be sent to serve sentences.
2. A probation system for cases that do not absolutely require imprisonment.
3. A reformatory for all who must be imprisoned and yet are hopeful cases.
4. A workhouse for those who are not hopeful cases and yet are not such as must be sent to a penitentiary.
5. Confinement in a penitentiary for the worst offenders.
6. A parole system for prisoners who may be safely released upon conditions before the expiration of their term.

Application to Conditions.

Applying these propositions to the local situation the report recommends:

First. That the present jail be used

as the house of detention after its interior shall have been modernized.

Second. That a probation system be established at once by enacting a simple and inexpensive probation law, a draft of which is submitted with the report.

Third. That a reformatory be established upon a tract of land of not less than 1,000 acres, widely separated from any other penal institution, consisting of unclaimed land which can be cleared, cultivated and built upon by the prisoners themselves. That eventually there shall be established upon this tract shops wherein a variety of industries may be taught and carried on, the product being easily consumable by the various District departments.

Fourth. That another tract of land of equal size be secured at once as the site for a workhouse. That this also be unclaimed land upon which the unwholesome prisoners be put to work preparing the land for cultivation and erecting the necessary buildings.

Fifth. That the class of prisoners not proper to be sent either to the reformatory or the workhouse be sent for the present to the United States penitentiaries at Leavenworth and Atlanta, and that for the present no penitentiary be erected specially for the District of Columbia.

Sixth. That a parole law be enacted upon the principles set forth in the report.

I earnestly ask that the Congress act at once in accordance with the recommendations of the report. The two most urgent measures, for which drafts of bills accompany the report, are: First, a probation law, and second, a parole law. The act which will relieve at once the present impossible situation and set us on our way toward the realization of an adequate prison system.

THEODORE ROOSEVELT.

The White House, January 11, 1909.

Model Penal System as Remedy for Existing Evils Denounced

In beginning its report the commission recalls the section of the last District appropriation bill under which it was appointed, and says it organized at once. Visits were made to the jail, the workhouse and its surroundings, and it also informed itself as to work and conditions in the other institutions of the District where offenders against the criminal law are received, also as to the various tribunals and courts which have to deal with criminal offenders, and the statutes in force relating to crimes, criminal procedure and the manner and degree of punishment.

Under the direction of the Attorney General it extended its inquiry to institutions and statutes in other states, visiting jails and workhouses in Pittsburgh, Baltimore, Philadelphia, New York, the United States penitentiary at Leavenworth, Kan., and other places. It also attended the American prison congress at Richmond in November, 1908.

The report then describes the location of the jail and other penal institutions in the District, and the conditions attached to the conditions along the Eastern Branch just behind the jail and workhouse. The report also describes the National Training School for Boys and the Reform School for Girls also described. The fact that the District has no penitentiary is such a blot upon its record that it is brought out in the introduction.

The introduction is the main body of the report concludes with an account of how criminal cases are handled in the District by means of the Police and Juvenile courts and the Supreme Court of the District.

HOW JAIL IS FILLED AND WHY

The report then continues:

"As the Police Court is without authority to sentence to more than a year's imprisonment, and as no person can be sent to a penitentiary unless his sentence exceeds a year, that court cannot sentence its prisoners to the penitentiary, but must sentence them either to the workhouse or the jail. Between the workhouse and the jail it has, as the statute now reads, only this strange choice.

"If the sentence is six months or less it may be to either place. If it is more than six months it must be to the jail. The consequence is that great numbers have been sentenced by the Police Court to the jail.

"Although that court is prohibited from sentencing for a longer period than one year even where there are 'cumulative' sentences against the offender, it has happened not infrequently that there have been in that court against the same person, for different offenses, several sentences, which have been held not to be 'cumulative' in a legal sense, resulting in the prisoner being confined in the jail for eighteen months or more.

Offenders Who Like Jail.

"When we shall see the condition of prisoners in the jail the evil of this practice will be more apparent. Most of those sentenced by the Police Court have been found guilty of small larcenies or disorderly conduct, sometimes involving assaults of a minor character, of vagrancy and the like.

"Such offenders do not always object to a steady abode, with warmth and food and plenty of company, and with nothing to do, even though the place be called a jail, and do not hesitate to remain in it as long as they can.

"At the writing of this report there are confined in the jail substantially six hundred persons. Of these many are awaiting trial or awaiting sentence or awaiting the result of their appeal from the sentence of the trial court is a few days. All but a few are nearly one hundred, are serving sentence.

CONDITIONS AT JAIL

"The jail was originally intended to accommodate three hundred. It was completed and first occupied in 1876, and cost something over half a million dollars (\$575,224.00). In 1898 forty-eight cells were added at a cost of \$12,000.

"Most of the cells are in size 5x8x9½ feet. They were made to be occupied by one person only. They are being used for two or three. The number confined in the jail has increased by 37 per cent during the past five years.

"Owing to this straitened condition of things it has not been possible to rigidly

Wardens Have Done Their Best.

"The wardens have done their best by the means at their command, but the obstacles are insurmountable without the aid of legislation.

"In the cells there is no running water; there are nowhere any water closets for the prisoners, but in each cell is a bucket which must be used instead. These buckets are emptied twice a day and disinfectants are freely used to counteract odors.

"There is no dining room for the prisoners. They are fed in the cells, and thrust through the gratings of the doors.

"In these cells they are obliged to stay all the time, day and night, except for a brief hour each week when they are marched through the inside corridor. There is no jail yard and they never go outside of the jail walls.

"They have no work in absolute idleness—all of them except the very few who are employed in preparing and serving food to their fellow-inmates or in a little housekeeping.

"Stretch in the Nostrils."

"The evils of such a state of things are too obvious to call for or even to justify extended comment.

"That men and women should be sent to these narrow and crowded cells, the innocent with the guilty, the first offender with the hardened criminal, in one promiscuous assembly, to corrupt and be corrupted by each other, the lazy to be hurried and forced to do the work of the industrious to be deprived of every form of employment, to be fed like beasts and maintained at the public charge not only with no prospect of improvement in their condition but with the moral certainty that they will come out far worse than when they went in, is a state of things which stretches in the nostrils of the whole community and ought to be felt as a shame and disgrace to the whole nation whose representatives are responsible for its existence.

CONGRESS RESPONSIBLE

"The attention of Congress has been called repeatedly to the overcrowded and defective condition of the jail. In 1892 the Attorney General in his annual report to Congress informed them as follows:

"The jail is old, without modern improvements, and of insufficient capacity for the present needs. Something should be done at once toward remedying the present defects in construction, increasing the capacity, and providing a suitable dining hall, so that the present system of feeding the prisoners can be done away with."

"The recommendations have been repeated in each annual report up to and including the one for 1907, and in his current report the following paragraph appears:

"The attention of the department was called recently to the condition of the jail in the District of Columbia, which had become so crowded by the large number of prisoners confined there as to render it inappropriate as a place of confinement and to endanger the health, discipline, and safekeeping of its inmates."

"Under the authority conferred upon me by law, I directed the removal of a large body of prisoners from the jail at Fort Smith, Ark., which had become nearly empty by reason of the admission of Oklahoma to statehood. I am deeply indebted to the officers of the jail for the cooperation and assistance which they have given me in this connection, and for the relief which has become temporarily only, and conditions have again become unsatisfactory in the District by reason of the inadequate provision for the detention of criminals."

"I respectfully urge upon the Congress the need of prompt and effective action in dealing with this situation. If it be deemed advisable to await the report of the commission recently appointed to study the subject at large, I recommend that provision be made for the temporary custody of prisoners now confined in the jail in such places of provision as detention as can be secured for this purpose."

"Such action will undoubtedly be

OFFENDERS AND THEIR PUNISHMENT.

Table showing from the last official reports for 1908 the number of District of Columbia prisoners confined in the jail, penitentiary, workhouse, National Training School for Boys and the Girls' Reform School, and the number of United States prisoners and inmates in the jail and National Training School for Boys.

Institution.	Total.	White, Male.	White, Female.	Colored, Male.	Colored, Female.	U. S.	D. C.
Jail	570	95	11	360	104	1	569
Penitentiary	431	83	4	332	12		431
Workhouse	424	145	14	179	86		424
National Training School for Boys	325	194 (U. S.)	13 (D. C.)	22 (U. S.)	1 (D. C.)	97	228
Reform School for Girls	78				78		78
Totals	1,828	433	29	1,069	277	98	1,730

*November 1, 1908.—Of this number 506 were serving sentence; the balance—sixty-four—were awaiting trial, or, having been convicted, awaiting sentence or decision on appeal.



John Joy Edson.

Robert V. La Dow.

Justice W. P. Stafford.

attended by considerable expense, but the case is urgent, and grave consequences may result from any undue delay in dealing with it.

"Notorious and Revolting."

"The condition of things at the jail has been so notorious and revolting that it has been frequently commented upon and discussed in the newspapers, both in news columns and in editorials, and the subject has been made the theme of public addresses at important gatherings on several occasions.

"In 1900 a committee representing the Board of Trade, after investigating the jail and the workhouse, entered its protest against the continued use of these institutions and recommended their removal to some other location (Exhibit A).

"In the Senate of the United States April 11, 1900, and again February 5, 1901, the question was considered in connection with the removal of these institutions. In the House of Representatives it was considered and discussed June 4, 1900 (Exhibits C, D and E).

"Again, in the United States Senate February 10, 1908, a report was presented by Senator Gallinger in behalf of the East Washington Citizens' Association for the removal of the jail and workhouse. The report is included in document No. 234 (Exhibit B).

"Finally, you yourself, Mr. President, in more than one message have urged upon Congress their duty to make this Capital City a pattern for all the cities of the land by putting forth their undoubted and exclusive legislative power for the creation of pure and wholesome conditions, the removal of foul and vice-breeding houses and alleys, the substitution thereof of decent habitations, the laying out of the poor in sections where they have their miserable dwellings, and remodeling of civic institutions, penal and correctional, to meet the demands of the community and the spirit of the age.

CONDITIONS AT WORKHOUSE

"Even at the workhouse no regular system of industry is carried on. Some prisoners are sent about the city to be employed in gangs upon the streets, and may be sent almost anywhere to do work or to from their work in stripes and under guard. Others are engaged in menial service about the institution. But with the present system it has not been possible to give adequate employment to the great majority of those confined.

"Taken as a whole, the workhouse, like the jail, is crowded far beyond its normal capacity. There has been a large increase in the number of prisoners confined there for the five months of the present fiscal year is higher by 125 than for the corresponding period of last year.

"Moreover, the adoption of the present system of industry is carried on. Some prisoners are sent about the city to be employed in gangs upon the streets, and may be sent almost anywhere to do work or to from their work in stripes and under guard. Others are engaged in menial service about the institution. But with the present system it has not been possible to give adequate employment to the great majority of those confined.

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WHAT SHALL BE DONE?

"It is perfectly obvious that something must be done. It is not a question of whether, but of what. If we are to continue the present plan and system it is absolutely necessary to greatly enlarge the present jail and the present workhouse and to invest large sums of money for that purpose.

"Apparently there are two ways open. One is to endeavor to adhere to the present plan, making such changes and enlargements as are absolutely required, extending the present jail, erecting a new dining hall, and attempting to make advance upon the present penal system. Under this plan we should continue to use the jail as we are now using it, we should merely enlarge the present workhouse so as to accommodate a larger number.

"If it should be attempted to make provision for the jail and the present workhouse upon the tracts where the buildings are now located it would require the building of a new jail and a new workhouse, and would end in establishing a permanent penal colony in what will soon be, if it is not already, the heart of the city, within a mile or two of the Capitol in the direct line of the extension of one of the finest avenues of the city, and will thus end in placing a permanent barrier between the natural growth of the city and a great and attractive territory on both sides of the Anacostia river.

Plan for All Time.

"The other way would be to seize the opportunity now presented for putting the penal and correctional system of the District upon a proper and permanent basis, adopting a plan that can be followed and carried on as years go by, no matter how the city may grow or the needs of the system increase.

"The first plan requires an investment of large amounts of property which ought not to be permanently devoted to its present uses. The jail cannot permanently be used as a place where men are to be confined, because such a place cannot be made a proper institution for that class of prisoners.

"Moreover, the adoption of the first plan will postpone the adoption of improved methods of dealing with criminal problems and will tie us for many years to come to an antiquated and unreasonable system. The more we invest upon the present plan the more difficult it becomes to change it, and thereby we are putting farther and farther off the true solution of our problems.

Changes That Are Proposed.

"The adoption of the second plan means the abandonment of the present jail as a place where prisoners shall be sent to serve their sentences, but permits the adoption of a plan that can be followed and carried on as years go by, no matter how the city may grow or the needs of the system increase.

CRIMINAL PROBLEM PERMANENT

"Humiliating as it may be to confess it, the confession must be made that society is still in a state of siege.

"The property classes, and they comprise the vast majority of our population, live in a state of siege. If we do not take prompt action, the siege will be on every hand, the watchman, the policeman, everywhere.

"After 4,000 years of social order of one kind or another, the world has never known a time when the law of Christianity, it is still the fact that those who have must maintain their possession by force or the threat of force. The law of the land is the law of the land, and house and shop and bank vault in the civilized world, and apparently it must be so for centuries to come.

"The criminal problem may be looked upon as practically permanent, and certainly we have none more important. What ought to be done to protect the property classes from the law-breaker, the part that is disposed to prey upon it? That is the question.

"Of course the most desirable thing is to get rid of the law-breaker, but the law-breaker is not a law-breaker in the sense of a law-breaker, or better still, by preventing the citizen from ever becoming a law-breaker.

"The possible prevention of crime is a great subject by itself. The possible reformation of the criminal is another.

Main Object of Criminal Law.

"But the main purpose and object of criminal law we hold to be the welfare and protection of society itself. It is this object which underlies all sound legislation and judgment.

"It is this which justifies the infliction of punishments which would otherwise be cruel. It is this consideration that compels the judge to turn his eyes away from the criminal and to look upon the crime, and even from the greater suffering that often falls upon his family and friends and keep his eyes fixed upon the thousands of innocent people whose safety and security demand that the consequences of law-breaking should be painful.

"It is this which makes us have any attitude toward the violators of law that will lead them to look upon their offenses as trivial, to look upon themselves as victims of oppression or upon governments as their debtor.

True Principles of Criminology.

"But we do believe in taking a passionate, patient and impartial attitude toward them, making it as easy as possible to do right, as difficult as possible to do wrong, keeping always before their eyes the hope of redeeming themselves and convincing them in every practicable way that they are still the makers of their own destiny.

"We believe that some way ought to be devised to prevent the return to social life of those who have committed grave crimes and have given no indication of reform. We believe that there should be a rigid separation of those who are awaiting trial from those who have been convicted.

"We believe that all convicted persons who are able to work should be compelled to work. We believe that those who may be reasonably supposed to be reformable should be treated and employed with dignity and in view. We believe in the beneficial effects of education upon most of those who are confined in prisons.

"We believe that for certain criminals there should be labor long and severe. We believe that no system of dealing with the criminal class should be devised which loses sight of the fact that the criminal is a man. He should never be needlessly degraded, insulted or abused.

"We believe that a vital and momentous point of time is when the prisoner is released and turned back upon the world. We believe that the government should employ all possible agencies to guard and assist the released prisoner, making a new start. We believe that many who come up for sentence may be wisely put in the watch-care of judicious officers and given one more chance to choose between a life of decency and a life of crime.

RECOMMENDATIONS

"Believing this, we are led to accept the following practical propositions, or, necessarily resulting from these convictions, so far at least as the District of Columbia is concerned.

"There should be:

"1. A jail, to be used only as a house of detention, never as a place of confinement for those under sentence.

"2. A probation system for those cases which may be safely dealt with without sending the offender to any place of confinement.

"3. A reformatory for all who must be sentenced to confinement and who, nevertheless, are hopeful cases, especially those who are not proper subjects for either the reformatory or the workhouse.

"4. A carefully guarded parole law for prisoners in the various institutions who may be safely released upon conditions.

HOUSE OF DETENTION

"1. A HOUSE OF DETENTION.—To consider these propositions more fully: "The present jail may be used for this purpose, and with some changes in its interior would be an adequate building for a long period of time.

"The outer jail, that is to say, the main walls of the building, is in excellent condition. Relieved of the sentenced

prisoners it would need to accommodate at present only a few more than 100. The interior could be torn out, modern cells constructed, sanitary plumbing introduced, a common dining room provided for the use of the court.

"The building could thus be made a commodious and suitable house of detention for all persons awaiting trial or awaiting the final determination of their cause.

"It would not only be sufficient for the present, but so far as we can foresee it would be sufficient for the future. The city shall have grown to three times its present size.

"Being used only for the confinement of accused persons, it would not be regarded as a prison, and its presence would be far less objectionable than it is now. It would be more convenient if it were still nearer the courts, and certainly ought not to be further away.

"In most cities the house of detention is now built adjoining or as a part of the court house. In our opinion that is the correct method, and if a new court house should ever be erected here that plan might be adopted.

"The present building is not, as the workhouse is, a barrier to the extension of Massachusetts avenue. It stands at one end of the lot, and is at a considerable distance from it.

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PROBATION SYSTEM

"2. A PROBATION SYSTEM.—We are woefully and shamefully in need of this. Except in the Juvenile Court, we have nothing of the sort.

"Our judges have entertained such views of the law that they have felt justified in suspending sentence in some cases after a plea of guilty or conviction by the jury, and have allowed the offenders to go free, or to be brought back and sent to prison, and there is no system by which he can be warned, guided, encouraged and assisted to become a good citizen instead of relapsing into crime.

"Our study of the working of probation systems in other jurisdictions, and so far as we are able, our own reasoning upon the subject and the testimony we have received from experts in this branch of penology, has left us without a doubt, we should have such a system here.

"We accompany our report with a draft of a statute upon this subject, which we believe would meet the needs of the community, and we earnestly recommend its enactment. (Exhibit F.)

Needs of District Peculiar.

"The District of Columbia ought not to be put off in this matter by reason of any consideration Congress may be giving to the subject of a general probation law for the Federal Government.

"Our situation is peculiar. The offenses dealt with in our courts are not merely such offenses as are cognizable in other Federal courts, but include crimes of violence, and crimes of a more serious character.

"In this respect, although all offenses committed in the District are offenses against the United States (since there is here no other sort of jurisdiction), yet, almost all, exactly such offenses as when committed in a state are offenses against the state, and are offenses against the United States. (Exhibit G.)

"The District of Columbia is less than 30 out of 100 miles from the seat of government. Practically, for the purpose of dealing with this problem, we are to be regarded as a state by ourselves. We should have a system adapted to our own special needs.

Probation System Outlined.

"When sentence is to be pronounced and it appears to the court that the case may be one calling for the use of the probation system, there should be an officer to whom the matter may be referred by the court and by whom the necessary information may be furnished.

"Such an officer would investigate the circumstances if they were not fully known at the trial, and he would be the frequent user of the system will be in cases where there has been a plea of guilty and no trial at all, the previous record of the offender, and the character of the offense, and all other facts which ought to be considered in determining the question.

"That question should be whether there is a reasonable probability that if he should be given another chance under the restraints and encouragement of the probation system, he would never again break the law, but would ally himself permanently with the forces of order instead of becoming their enemy. If the answer is concluded that such is the case, there should be at hand a wise and judicious officer, in whose watch-care the offender should be placed under prudent supervision, and conditions, especially adapted to his case—an officer who will keep in touch with his charge and personally to his mind the kindness and also the severity of the law; an officer to whom reports must be frequently made by the subject, and who will keep the court informed of the subsequent course of the probationer.

Well Planned System Required.

"All this requires careful provisions by statute and a well planned, but not too complex, system of procedure. The question whether the probationer has broken the conditions of his release or should on the other hand be finally discharged from probation, must ultimately be decided by the court, and the court must be greatly aided and enlightened by the reports and recommendations of such an officer.

"The officer should be in closest touch with the court and in all respects subordinate to it. In our opinion he should be appointed by the court, and should be charged whenever the court shall feel a want of confidence justifying such action.

"While some of such officers ought to devote their whole time to the work, and be paid a proper salary, provision ought to be made for the employment of unpaid

volunteer assistants, who will devote a portion of their time or take charge of given cases under the supervision of the chief officer. It is hoped and believed that the still will find a few tactful and philanthropic citizens, men and women, who will be willing to give a portion of their time to so humane and practical a service.

"It is easy to see that there would be certain advantages in a common board of probation, having under its observation and subject to its regulating control all probation cases in the District. This we have not overlooked. But we believe that the considered advantage of having the probation work of each court done under the supervision of and in fulfillment of the conditions imposed by the court, and the responsibility for the case outweighs these advantages, and that each court should appoint and control its own probation officers.

"The general plan of probation work should, however, be laid down by statute, leaving to the court only the duty and province of applying the principles adapted to the individual case before it.

Views of Experts in Penology.

"The probation theory does not tend to minimize the offense. It rather magnifies it by restricting the liberty of the offender, and perhaps for a longer time than if he were confined in prison.

"It takes away many of his rights. The court prescribes what he may do, where he may go, with whom he may associate, and how he shall conduct himself. It requires him to shun evil companions, to abstain from drink, to keep away from the courts, and to be ready for the support of those who are dependent upon him.